

1957



File No. O Succession
Legal Department - 57

A. BRANCH

Subject:—

Opinions under the
Indian Succession Act 1925

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/ (E)

File No. O Succession/57

Gen. 194

609-A

C O N T E N T S .

Legal Department File No. O. Succession/51.

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R. I. No. 12152
8/6/1951.

From the facts as stated by the Collector of Surat in his letter No. A.D.M. 400 dated 14-11-48, it appears that certain amounts were standing as deposits in the name of late Lt. Col. Sahebzada M.A. Karimkhan in the Treasury records of Sahin. One of such items included a deposit of Rs. 5200/-. It is stated that Lt. Col. M.A. Karimkhan had a daughter who was married to one Shri Nawabzada Afzaluddin Ahmedkhan. The said daughter died without any issue before the death of her parents. Sahebzada Faizunissa Bidi, the wife of Lt. Col. Sahebzada Karimkhan predeceased him. It is stated that Lt. Col. Sahebzada Karimkhan left no direct male or female heirs except a brother in Lahore. Shri Nawabzada, the son-in-law, has, however, claimed the said amount of Rs. 5200/-. Government instructed the Collector of Surat to request the claimant, Shri Nawabzada Afzaluddin to produce a succession certificate from a competent civil court in support of his claim. Shri Nawabzada, however, contended that when His Highness the Nawan of Sahin had made an order before integration directing that the amount should be paid to him and that as he had already produced succession certificates from the D.M. and D.J. Sahin, it was not necessary for him to produce a fresh succession certificate as requested by Government.

Since Shri Sahebzada Mohmed Yakubkhan, brother of the deceased Lt. Col. Sahebzada Karimkhan also claimed the said deposit amount of Rs. 5200/-, as advised by the R.I.A., the Collector was requested to ask both the claimants to obtain a succession certificate for collection of the said deposit amount. It is stated that Shri Sahebzada Mohmed Yakubkhan who had obtained a succession certificate on 21-12-48 from the Civil Judge (Sr. Division) Surat empowering to collect

a debt of Rs. 300 due to the estate of his late brother, Lt. Col. Sahabzada Karimkhan produced an extension of the succession certificate on 19-3-51 for collection of the said deposit amount of Rs. 5,200/-. Shri Nowabzada has not produced succession certificate on the ground that the Courts are closed and has applied for time till re-opening of the Court.

The question for R.L.A.'s consideration is whether in view of the succession certificate produced by Shri Sahabzada Yakubkhan, there is any legal objection to paying him the deposit amount of Rs. 5,200/-.

(See reply U.R. on page 3 ante.).

Office of the R.L.A.

Seen and returned.

The succession certificate obtained by Shri Sahabzada Yakubkhan will afford full indemnity to Government under section 381 of the Indian Succession Act, 1925. There would therefore be no legal objection to paying him the amount.

Indian Succession
Act, 1925.
Section 381.

84/- J.R.B. 15/6
Remembrancer of Legal Affairs.

U.R. to P. & S.D., No. 9509, dated the 10th June, 1955.

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Legal Department.

L.D.R.L. No. 11985 dt. 6-6-51.

Submitted with reference to the note of the L.S.G. & P.M. Department at page 2 ante.

The facts of the case are shortly these :

It appears that Dr. S.N. Dabholkar went to London for higher Medical training under the scheme of Higher Training abroad of Medical Personnel. These papers show that he died there and the sum of £60/5/5 was lying in the Office of Education Department, India House, Aldwych, London W.C. 2, since transferred to the Government of Bombay to credit of the deceased, Shri S.N. Dabholkar. Shri G.N. Dabholkar, brother of late Shri S.N. Dabholkar, has claimed this amount. He has obtained a Succession Certificate dated 27-3-1951 from the Civil Court, Vengurla empowering him to collect the amount of £60/5/5 equal to Rs. 803-9-9- vide copy of the Succession Certificate at page 7 ante. The L.S.G. & P.M. Department has sent the papers to the Legal Department asking whether the Succession Certificate produced by Shri G.N. Dabholkar should be accepted and the amount in question paid to him.

Sd./- 14/6
Additional Secretary to Government.

EXR.

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Legal Department.

As the succession certificate affords an indemnity to Government, the same may be accepted and payment made to Shri Gajanan Narayan Dobhekar.

Sd./-
Additional Secretary to Government.

U.R. to L. S. G. & P. H., No. 9836, dated the 19th June, 1951.

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L.D.R.L. No. 23452 dt. 14-11-51.

Submitted with reference to the note of the Chief Superintendent, Indian Posts and Telegraphs Department dated 12-11-51.

Shri V.V.Dixit, clerk in the Central Telegraph Office, Bombay, died on 23-~~4~~-1951. He is entitled to Death-Retirement gratuity amounting approximately ~~approximately~~ to Rs. 1980/-, under the revised pension rules. He had made no nomination, authorising anyone to receive the amount in case of his death. Shri R.V.Dixit, the brother of the deceased has claimed this gratuity. Shri R.V.Dixit has enquired whether an affidavit certificate obtained from the Chief Presidency Magistrate would suffice for the purpose. The Deputy Accountant General, Posts & Telegraphs, Nagpur, was referred to in the matter, who has directed to refer the matter to the R.L.A.

The R.L.A. has therefore been requested to advise in the matter.

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Additional Secretary, to Government.

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Legal Department.

Shri R.V. Dixit may be asked to obtain a succession certificate.

Sd./-

Additional Secretary to Government.

U.R. to Chief Supdt., C.T.O., No. 18615; dated the

21st November, 1951.

with reference to his No. PCD. 14, dated the 12th November 1951.